Appl. No. 10/774,092 Amdmt. Dated February 12, 2008 Reply to Office Action mailed December 13, 2007

Listing of the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-2. (Cancelled)

3. (Currently Amended) A method for determining optimal harvest window of *Echinacea* plants, wherein the method is used to prepare a standardized *Echinacea* extract, the method comprising the steps of:

harvesting at least one *Echinacea* plant at a plurality of maturation stages for the *Echinacea* plant;

producing a preparation of the *Echinacea* plant for each maturation stage; adding a preparation to a monocyte cell culture;

harvesting the cell culture;

analyzing the cell culture for a level of immune-stimulatory product induced by the preparation;

observing the level of the immune-stimulatory product corresponding to each of the different maturation stages;

determining a concentration of a marker compound of each preparation at the plurality of maturation stages;

selecting a maturation stage with:

- (i) a <u>standardized</u> concentration of <u>the</u> marker compound that is <u>used to</u> <u>prepare an extract</u> greater than zero and acceptable for preparing a <u>standardized extract</u> of the <u>medicinal</u> <u>Echinacea</u> plant; and
- (ii) the highest level of immune-stimulatory product;

and preparing a standardized extract of the medicinal *Echinacea* plant at the selected maturation stage.

4. (Cancelled)

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- 5. (Previously Presented) The method of claim 3 wherein the marker compound is selected from a group consisting of chicoric acid, alkylamides, glycoproteins, polysaccharides and combinations thereof.
- 6. (Previously Presented) The method of claim 3 wherein the immune-stimulatory product is selected from the group consisting of cytokine mRNA and chemokine mRNA.
- 7. (Previously Presented) The method of claim 3 wherein the immune-stimulatory product is an mRNA transcript selected from the group consisting of IL-1 alpha, IL-1 beta, IL-6, IL-8, IL-10, tumor necrosis factor alpha, interferon-gamma and macrophage inflammatory protein-1.
- 8-22 (Cancelled)
- 23. (Previously Presented) The method of claim 1, wherein the monocyte cell culture is a THP-1 cell culture.
- 24. (Currently Amended) A method for determining optimal harvest window of *Echinacea* plants, wherein the method is used to prepare a standardized *Echinacea* extract, the method comprising the steps of:

harvesting at least one *Echinacea* plant at a plurality of maturation stages for the *Echinacea* plant;

producing a preparation of the Echinacea plant for each maturation stage;

adding a preparation to a monocyte or macrophage cell culture;

harvesting the cell culture;

analyzing the cell culture for a level of a translation product induced from the cell culture by each preparation;

observing the level of translation product corresponding to each of the different maturation stages;

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determining a concentration of <u>a</u> marker compound for each preparation at the plurality of maturation stages; selecting a maturation stage with:

- (i) a <u>standardized</u> concentration of <u>the</u> marker compound that is <u>used to</u>

 <u>prepare an extract greater than zero and acceptable for preparing a</u>

 <u>standardized extract</u> of the <u>Echinacea plant</u>; and
- (ii) the highest level of translation product induced from the cell culture;

and preparing a standardized extract of the Echinacea plant at the selected maturation stage.

25. (Previously Presented) The method of claim 24, wherein the monocyte or macrophage cell culture is a THP-1 cell culture.